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**State of North Carolina**  
**Department of Human Resources**

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March 14, 1996

Mr. William F. Caton, Secretary  
Federal Communications Commission  
1919 M Street, NW, Room 222  
Washington, DC 20554

Dear Mr. Caton:

Enclosed are the Association's comments for Docket Number 95-176. We thank you for the opportunity to render our input on availability, costs, and needs for closed captioning of television programs.

Please be assured of our deepest appreciation for the Commission's historic commitment to telecommunications access for all Americans.

Sincerely,

A handwritten signature in cursive script, appearing to read "Frank R. Turk".

Frank R. Turk, Ed.D, Director

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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In the Matter of	)	
	)	
Closed Captioning and Video	)	CC Docket No. 95-176
Description of Video	)	
Programming	)	

COMMENTS OF

Division of Services for the Deaf and the Hard of Hearing

I. Introduction

The Division of Services for the Deaf and the Hard of Hearing submits these comments to the Federal Communications Commission's (FCC's) Notice on Inquiry (NOI) on closed captioning and video description. We also wish to express our support for the comments submitted in response to this NOI by the National Association of the Deaf and the Consumer Action Network. We applaud the FCC on its commitment to telecommunications access for all Americans and thank the FCC for the opportunity to submit these comments.

II. Benefits of Closed Captioning

Television provides a lifeline to the world, in the form of news, information, education, and entertainment. Just as a hearing person can derive little or no benefit from watching television with the volume off, a deaf or hard of hearing person can derive little or no benefit from watching a program with no captions. Because it is so integral to one's understanding and

enjoyment of video programming, captioning needs to become an integral part of the production of all video programming. A producer or video provider would not think of exhibiting a television show without its soundtrack; neither, in the future, should a producer or video provider consider displaying a show without its captions.

Captions in television and video entertainment programs produce a tremendous benefit for informational needs of deaf and hard of hearing citizens, and other populations who observe different languages or cultures. Infants, toddlers, pre-school, and elementary school deaf and hard of hearing children are exposed to captions as they watch cartoons, Mr. Rogers, Sesame Street, and etc. They have opportunity to acquire language and build a vocabulary base on schedule to expected levels with other kids that do not have hearing disabilities. Deaf and hard of hearing adults are now able to get information and follow events currently as those without hearing disabilities from prime time TV programs, local and national news, and some sports events.

Other audiences can benefit from captioning as well. Research and anecdotal evidence shows that captioning has improved reading and English skills for children, illiterate adults, persons learning English as a second language, and remedial readers. In addition, captioning can help viewers understand the audio portion of television programs in noisy locations such as airports, hotel lobbies, and restaurants, or in quiet ones, such as government and private offices.

Before we had captions on TV, for instances we had to assume on what was happening in cartoons and prime time TV programs, to watch Walter Cronkite deliver news and figure out what the background pictures or segment tapes were conveying before and after his statements, and to try to comprehend why others were hilariously laughing after a Jack Benny comment.

While there are some progress today with captions in television programming, we continue to be frustrated with lack of similar access to local news and weather, and public affairs information. For example, when there's a live report from a reporter in local news, it is not captioned. At times it gets frustrating because a crime may be in progress near one's home and we were not in position to take precautionary measures. The same goes for weather reports. We only benefit from seeing the charts or maps that give temperature readings, symbols, etc. We do not get a thorough report from a meteorologist such as upcoming weather events for next few days, low and high pressures, jet stream's current position, orientation to various weather events, etc. Very often, we miss out on some public service announcements which are mostly broadcasted over radio. There must be some way we get such announcements through captions on TV on a continuing basis.

Captions are pivotal not only for deaf and hard of hearing people. Many senior citizens experience hearing loss little by little over time, and resort to captions to maintain full awareness of what's happening on the TV screen. Citizens who learn other languages such as Spanish or French before English, benefit greatly in acquiring and mastering English from reading captions on TV. Captions give any one person, that is able to hear or not, the opportunity to acquire and maintain superior/acceptable skills in spelling. The same goes for grammar and idioms in English. Additional benefits are one's awareness and utilization of conversational English, release from dependance on friends and relatives for interpreting, and relief from stress and isolation.

### III. Availability of Closed Captioning

Although 100% of prime time and children's programming on network broadcasts are captioned, most of the top 25 basic cable stations caption little or none of their programs. With the exception of CNN and USA, on average, fewer than 8% of basic cable programs are captioned. Similarly, few commercial advertisements are captioned, and hardly any coming attractions, program recaps, program previews, or station breaks are captioned, on either broadcast networks or cable stations.

In addition, most locally produced programs, including those covering news and community affairs, are not captioned. In our state . . .

In the metropolitan Raleigh area, we do not have the benefit of captions for the Sunday or weekend local news magazine shows. Sometimes we see telethons such as Jerry Lewis' Muscular Dystrophy or the Easter Seal Society, and they were not captioned at all. We didn't call in with contribution pledges because we didn't get full information. We despair to see gourmet meals prepared on the screen and not have the opportunity to write down the recipes. We see city or county council hearings on TV but we still are deprived of the information on the issues that were being deliberated in the hearings. We would call in with some orders from the Home Shopping Network had that channel been live captioned. We ask that consideration be given to make captions available at all times even during weather emergency broadcasts. We ask that emergency broadcasts be presented on a different line on the TV screen, thus restricting Line 21 to captioning of live and taped programs.

### IV. Funding of Closed Captioning

The Commission is correct when it states that the federal government has played an important historical role in the funding of captioning. For example, the Department of Education has contributed significant funds directly to network broadcasters for the captioning of syndicated programming. Because the Telecommunications Act of 1996 now mandates captioning, video providers and owners will be soon be responsible for funding their own captioning. We support redirecting federal funds that are still available to funding research for improved captioning technology, providing subsidies for programmers that can show undue burden, and providing seed money for the captioning of programs by low-budget programmers and video program owners.

## v. Quality

Quality of captioning has continued to improve over time. However, we ask for universal commitment from the television and entertainment industries, and captioning service sector to correct spelling of the captions. We ask that captions not be modified nor censored to prevent full disclosure. We commend captioning of the spoken word on the screen but we welcome additional information on background or other intervening sounds as well. We seek to "hear" as we read the captions. Full information provides the viewer full awareness and comprehension of the environment in which the events take place on TV.

The FCC should establish minimum standards to ensure the high quality of captioning services. We propose the following guidelines to assist in the development of such standards:

1. Individuals who depend on captioning must receive information about the audio portion of the program which is functionally equivalent to the information available through the program's soundtrack. In order to meet this standard, caption data and information contained in the program's soundtrack must be delivered intact, throughout the entire program.

Captions are intended to replace the audio portion of a program; where the Commission imposes requirements to caption particular programs, those programs should be captioned in their entirety, as should the commercials and station news segments aired during their breaks.

2. Requirements for proper spelling, grammar, timing, accuracy and placement of captions should be designed to achieve full access to video programming.

3. Captions should include not only verbal information, but

other elements of the soundtrack necessary for accessibility. These must include identification of the individual who is speaking where this is unclear to the viewer, sound effects, and audience reaction.

4. Captions should be provided with the style and standards which are appropriate for the particular type of programming that is being captioned. For example, often local newscasts are captioned with computer-generated captioning - also known as electronic newsroom captioning. This method simply does not provide functionally equivalent video service because it misses the captioning of live interviews, sports and weather updates, school closings, and other late breaking stories which are not pre-scripted. Additionally, this method produces captions which are typically out of sync with what is being reported, lagging far behind or jumping way ahead of the anchor person's statements. For all of these reasons, the Commission should require real time captioning for local news broadcasts and all other live programming. Real time captioning uses a caption stenographer to simultaneously caption live audio programming, ensuring that viewers receive complete and up-to-the-minute captions of all that is on the soundtrack.

5. Captions must be reformatted as necessary if the programs on which they have been included have been compressed or otherwise edited. Videos are frequently edited as they move from movie theaters to premium cable stations to basic cable stations to syndication. This editing process typically entails removing

frames of the video to compress it into a smaller time period. Video providers must be required to reformat captions on programs that have been edited to ensure that such captions are presented intact and in place.

6. Care must be taken to ensure that captioning remains intact as it moves through the distribution chain from its point of origination to the local video provider. Often captions on programs that are initially intact either arrive scrambled or are even stripped by the time such programs reach their final cable or local network destinations. This problem can easily be remedied by requiring individuals positioned at signal monitoring stations to monitor captions as they pass from a program's site of origination to local affiliates, cable providers, or other final destinations.

7. Open character generated announcements, such as emergency warnings, weather advisories, election results, and school closings should not obstruct or be obstructed by closed captions. Standards need to be developed to ensure the proper placement of these open scrawls.

In developing the above minimum standards, the Commission should work closely with deaf and hard of hearing individuals and captioning services who have had first hand experience with captioning. We propose the creation of a regulatory negotiated rulemaking committee for this purpose.

## VI. Transition

The Commission has requested comment on appropriate timetables for providing captioning of video programming. The target for any set of timetables implemented by the Commission should be 100 percent captioning of all television programs, subject to the undue burden exemptions. No category of programming should be completely exempt from the captioning requirements. We recognize, however, that a goal of 100% captioning will not be met overnight. Accordingly, we propose initially requiring premium cable stations to caption 100 percent of their programs within 90 days of the effective date of the FCC's rules.

We also propose that the FCC develop a set of timetables that will begin to require captioning for new programs (i.e. programs that are first published or exhibited after the effective date of the FCC's captioning regulations) within six months after the effective date of the FCC's rules. Timetables for captioning can thereafter depend on the size of the video programmer/owner (with larger programmers and owners being subject to the Commission's rules more quickly), the type of program (with news and current affairs taking first priority), and the airing time for the program (with requiring the captioning of prime time shows before other time slots). Again, although some programmers and owners may have additional time to comply with the captioning rules, the Commission should set as its ultimate objective 100 percent captioning for all those not



exempted because of an undue burden.

## VII. Conclusion

On February 8, 1996, President Clinton signed the Telecommunications Act of 1996 into law. For the first time in our nation's history, that law mandates the provision of closed captioning for nearly all television programming. The Conference Report accompanying this Act states that it is "the goal of the House to ensure that all Americans ultimately have access to video services and programs, particularly as video programming becomes an increasingly important part of the home, school, and workplace." Conf. Rep. No. 104-458, 104th Cong., 2d Sess. (1996) at 183-4. In keeping with this goal, the FCC initiated this NOI so that it could gather the information needed to promulgate comprehensive regulations on video captioning. We thank the FCC for doing so, and urge the Commission to complete this proceeding and issue captioning rules in an expedited fashion.

Respectfully submitted,

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